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REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the thorough review of the present application. Based upon the amendments and the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the pending claims.

The Present Invention

The present invention includes a method and system for selectively implementing and enforcing Authentication, Authorization and Accounting (AAA) of users accessing a network via a gateway device. According to the present invention, a user may first be authenticated to determine the identity of the user. The authentication capability of the system and method of the present invention can be based upon a user ID, computer, location, or one or more additional attributes identifying a source (e.g., a particular user, computer or location) requesting network access. Once authenticated, an authorization capability of the system and method of the present invention is customized based upon the identity of the source, such that sources have different access rights based upon their identity, and the content and/or destination requested. For instance, access rights permit a first source to access a particular Internet destination address, while refusing a second source access to that same address. In addition, the authorization capability of the system and method of the present invention can be based upon the other information contained in the data transmission, such as a destination port, Internet address, TCP port, network, or similar destination address. Moreover, the AAA of the present invention can be based upon the content type or protocol being transmitted. By authenticating users in this manner, each packet can be filtered through the selective AAA process, so that a user can be identified and authorized access to a particular destination. Thus, each time the user attempts to access a different destination, the user is subject to the AAA, so that the user may be prevented access from a particular site the AAA system and method deem inaccessible to the user based upon the user's authorization while permitting access to other sites that the AAA method and system deem accessible. Additionally, according to one embodiment of the invention, source

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access to the network may be tracked and logged by the present invention for accounting and historical purposes.

35 U.S.C. § 102 (b) Rejections

Claims 1-3, 6-11, 14-17 20-27 and 30-32 stand rejected as being anticipated by United States Patent no. 5,113,499, issued to Ankney et al. (the '499 Ankney patent).

According to the Office Action, the '499 Ankney patent teaches all of the elements of independent Claim 1, specifically:

A method for selectably controlling and customizing source access to a network, wherein the source is associated with a source computer (Column 1, lines 12-18), and wherein the source computer has transparent access (Column 6, lines 28-29) to the network (Figure 3, Column 1, lines 7-11) via a gateway device (Column 5, lines 46-50) and no configuration software need be installed on the source computer (Column 7, lines 3-19) to access the network, comprising:

receiving at the gateway device a request from the source computer for access to the network (Column 5, lines 46-50)

identifying an attribute associated with the source based upon a packet transmitted from the source computer and received by the gateway device (Column 1, lines 24-27 and Column 5, lines 46-57);

accessing a source profile corresponding to the source and stored in a source profile database, wherein the source profile is accessed based upon the attribute, and wherein the source profile database is located external to the gateway device and in communication with the gateway device (Figure 3, Column 5, lines 58-67 and Column 7, lines 40-44), and

determining the access rights of the source based upon the source profile, wherein access rights define the rights of the source to access the network (Column 6, lines 29-32).

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The '499 Ankney Patent Does Not Teach a Source Computer that has Transparent Access to the Network via a Gateway Device

The '499 Ankney patent teaches a method for authenticating and authorizing that is transparent to the user. As stated in the Ankney '499 patent at Column 6, lines 28 -29, "the intercommunication between the switch and the TAMS are transparent to the user", In effect, this means that the user is unaware that the switch is communicating with the TAMS or, in the present invention, that the gateway device is communicating with AAA server. However, the present invention and specifically independent Claims 1 and 10, claim that the source computer, as opposed to the user, has transparent access to the network via the gateway device. The applicant views this as a novel and paramount difference between the teachings of the '499 Ankney patent and the present invention.

In the '499 Ankney patent a pre-assigned relationship must exist between the host computers and the network. The host computer must support a specific protocol, i.e., call request protocol, in order to access the network. See the paragraph at beginning at Column 16, line 3, which describes the call request protocol ID in terms of X.25 or X.29 protocols. In this regard, the host computer that accesses the network in the '499 Ankney patent is a static device and the packet switch in the '499 Ankney patent provides static authentication, i.e., authentication is limited to authentication of the host computer that has the pre-assigned relationship. Since, the '499 Ankney patent teaches a pre-assigned relationship based on pre-defined protocols, the access that is provided to the host computer is not, by definition, transparent access.

In the present invention, transparent access by the source computer is paramount because the gateway device is capable of providing dynamic authentication to a *source*. As defined in claims 1 and 10 and in the specification of the present invention the *source* is associated with the source computer. The source is not, in and of itself, the source computer. As the specification defines at page 10, beginning at line 26, "Users and computers attempting to access a network 20 or online service 22 via the gateway device 12 are referred to hereinafter as sources. According to AAA methods and systems of the present invention, a source attempting to access a network via the gateway device 12 is authenticated based on attributes associated therewith. These

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attributes can include the identity of a particular user or computer, location through which access is requested, requested network or destination, and the like." These attributes include the MAC address of the computer, the users password and or a VLAN tag for location identification. Thus the gateway device has the ability to grant authentication to a computer, to a user or to a location because the access is transparent to the source computer. Thus, in the present invention, the transparency to the source computer provides for the method and systems of the present invention to grant authentication to users, computers and/or locations (for example, a specific access port in a hotel room, airport kiosk or the like). The source computers that access the network do so transparently, without the need to establish a pre-assigned relationship with the gateway device or to communicate with the gateway device via a pre-assigned or defined protocol.

   For this reason, applicant respectfully submits that independent Claims 1 and 10, which have been rejected under 35 U.S.C. § 102 (b) are not anticipated by the cited '499 Ankney reference and, are thus, patentable.

   In addition, the dependent Claims that depend from Claims 1, 10, specifically Claims 2-9 and 11-16 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

The '499 Ankney Patent Does Not Teach a Source Computer that Requires No Configuration Software to Access the Network;

   While the '499 Patent provides for secure user access to a public data network "without requiring individual customers or device manufacturers to modify their hardware or software" (Column 7, lines 17-19), modification of software is not equivalent to the need to install configuration software on the host computer. As previously discussed, the host computer in the '499 Ankney patent must support call request protocol and, thus a pre-configuration function is necessary as a precursor to implementing the protocol for call requests. This pre-configuration necessitates the need to install a configuration agent on the host computers.

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As defined in independent Claims 1 and 10, and in the specification at the paragraph on page 14, beginning at line 18, the source computer requires no configuration software installed on the source computer to access the network. By not requiring configuration software, the source computer is able to transparently access the network. No configuration software is required because the source computers and the gateway device do not require a pre-assigned relationship. The authentication that is granted through the gateway device is by an attributed associated with the source. This attribute may be an ID of the source computer, an ID of the user or an ID of the location from which access is being sought.

Since independent Claims 1 and 10 specifically require no configuration software be installed on the source computer for the purpose of accessing the network and the '499 Ankney patent requires the host computers to be dually configured to support call request record/protocol, applicant respectfully submits that for this additional reason independent Claims 1 and 10, which have been rejected under 35 U.S.C. § 102 (b) are not anticipated by the cited '499 Ankney reference and, are thus, patentable.

Further, as mentioned above, the dependent Claims that depend from Claims 1, 10, specifically Claims 2-9 and 11-16 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

According to the Office Action, the '499 Ankney patent teaches all of the elements of independent Claim 10, specifically:

A system for selectably controlling and customizing access, to a network, by a source, where the source is associated with a source computer, and wherein the source computer has transparent access to the network via a gateway device and no configuration software need be installed on the source computer to access the network, comprising:
a gateway device (Column 5, lines 46-47), wherein the gateway device receives a request from the source for access to the network (Column 5, lines 46-50);

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a source profile database in communication with the gateway device and located external to the gateway device (**Figure 3**), wherein the source profile database stores access information identifiable by an attribute associated with the source, and wherein the attribute is identified based upon a data packet transmitted from the source computer and received by the gateway device (**Column 5, lines 58-67 and Column 7, lines 40-44**), and

an Authentication, Authorization and Accounting (AAA) server in communication with the gateway device and source profile database, wherein the AAA server determines if the source is entitled to access the network based upon the access information stored within the source profile database, and wherein the AAA server determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network (**Figures 8-10, Column 5, lines 7-16, 58-67 and Column 7, lines 20-27, 40-44**).

<u>The '499 Ankney Patent Does Not Teach or Suggest Accounting as a Required Function of the Total Access Management System (TAMS)</u>

The TAMS system taught in the '499 Ankney patent teaches a system for authenticating and authorizing users and host computers for access to a public data network. The TAMS systems does not teach or suggest an accounting means. To the applicant's knowledge, the TAMS system taught in the '499 Ankney patent does not provide for an accounting protocol between the packet switch and the TAMS server.

Claim 10 of the present invention specifically lists as an element an Authentication, Authorization and Accounting (AAA) server. This server must, by its very nature, support and provide an accounting function, generally TCP/IP accounting.

Since independent Claim 10 specifically requires a AAA server capable of providing accounting functions and the '499 Ankney patent provides no teaching that the TAMS provides such functionality, applicant respectfully submits that for this additional reason independent Claim 10, which has been rejected under 35 U.S.C. § 102 (b) is not anticipated by the cited '499 Ankney reference and, is thus, patentable.

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Further, as mentioned above, the dependent Claims that depend from Claim 10, specifically Claims 11-16 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

Claim 17 has been amended to add a key element that was erroneously omitted in the original filing. The amended claim requires direction (i.e., red-direction) of the source to a redirection site when the source profile is not located within the source profile database.

The '499 Ankney Patent Does Not Teach Direction of the Source to a Redirection Site when the Source Profile is Not Located within the Source Profile Database

The only mention of redirection in the '499 Ankney patent is at Column 15, lines 1 – 9, which describes re-direction of the call to a specified destination address *if access is allowed*. The '499 Ankney patent provides no teaching of direction (i.e., red-direction) of the source to a redirection site when the source profile is not located within the source profile database, in other words when access is not allowed because a source profile is not found in the database.

Claim 17, as amended specifically requires direction of the source to a redirection when the source profile is not located within the source profile database. This allows the user of the system to provide necessary source information for the purpose of authenticating and granting access to the source. The specification discusses such redirection at page 14, beginning at line 3.

Since independent Claim 17 specifically direction of the source to a redirection site when access is not allowed because a source profile is not found and the '499 Ankney patent provides no teaching of such a redirection process, applicant respectfully submits that for this reason independent Claim 17, which has been rejected under 35 U.S.C. § 102 (b) is not anticipated by the cited '499 Ankney reference and, is thus, patentable.

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       Further, as mentioned above, the dependent Claims that depend from Claim 17, specifically Claims 18-24 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

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Conclusion

In view of the proposed amended claims and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.
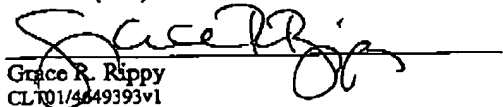
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

Grace R. Rippy
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_____May 28, 2004_____
Date